



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 20, 1996

Mr. Mark S. Houser  
Vial, Hamilton, Koch & Knox, L.L.P.  
1717 Main Street, Ste. 4400  
Dallas, Texas 75201-4605

OR96-0368

Dear Mr. Houser:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38869.

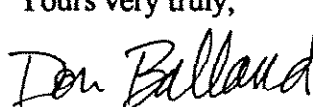
The City of Highland Village (the "city") received two requests for information concerning the settlement agreement between the city and Peggy Franklin and Terri Crabtree. You claim that the requested information is excepted from required public disclosure under sections 552.103(a) and 552.107(2) of the Government Code. You have submitted the documents responsive to the information request for our review.

Ordinarily, a governmental body may not contract to keep information confidential, even if the governmental body does so by means of a settlement agreement. Section 552.107(2), however, states that information is excepted from required public disclosure if "a court by order has prohibited disclosure of the information." You have provided this office with the "Agreed Protective Order as to the Disclosure of Confidential Documents" which is signed by the court. The protective order mandates that neither party disclose the settlement agreement. The court ordered that the settlement agreement is confidential and should not be subject to disclosure by any party. The information, therefore, can be withheld pursuant to section 552.107(2). Open Records Decision No. 415 (1984).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref.: ID#38869

Enclosures: Submitted documents

cc: Mr. Eric Sipos  
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